

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

1-A. Fees. The following provisions apply to the fees payable for a license issued under this section.

A. An applicant who has a nursery stock retail sales area in excess of 150 square feet or gross annual sales of nursery stock in excess of \$500 shall pay a license fee of \$25 per year.

B. An applicant who has gross annual sales of nursery stock of \$500 or less and a nursery stock retail sales area of 150 square feet or less shall pay a license fee of \$5 per year.

C. Educational institutions are exempt from the license fee.

This subsection is repealed 90 days after the adjournment of the Second Regular Session of the 119th Legislature.

Sec. 2. 32 MRSA §1901, sub-§1-B is enacted to read:

1-B. Fees established by rule. No later than December 31, 1999, the Commissioner of Agriculture, Food and Rural Resources shall provisionally adopt rules in accordance with Title 5, chapter 375 to establish fees for licenses issued under this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A. Fees established by rules adopted under this subsection may take effect no earlier than 90 days after the adjournment of the Second Regular Session of the 119th Legislature.

Sec. 3. 32 MRSA §1901, sub-§2, as enacted by PL 1991, c. 785, §4 and affected by §5, is amended to read:

2. Violations. Any person, firm or corporation engaged in the business of selling nursery stock without a license commits a civil violation for which a forfeiture not to exceed \$500 may be adjudged. Licenses may be revoked by the Administrative Court, as provided in the Maine Administrative Procedure Act, for failure to comply with the requirements of Title 7, chapter 405-A.

Sec. 4. Date for rules submission; authorization for legislation. Rules provisionally adopted in accordance with this Act must be submitted to the Legislature for review no later than December 31, 1999. The Joint Standing Committee of Agriculture, Conservation and Forestry may report out legislation to the Second Regular Session of the 119th Legislature pertaining to fees for licensing sellers and dealers in nursery stock.

See title page for effective date.

CHAPTER 180

S.P. 94 - L.D. 233

An Act to Amend the Provisions Relating to Executive Sessions in Connection with the Transaction of Public or Government Business

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §405, sub-§6, ¶F, as amended by PL 1999, c. 40, §1, is further amended to read:

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute; ~~and~~

Sec. 2. 1 MRSA §405, sub-§6, ¶G, as enacted by PL 1999, c. 40, §2, is amended to read:

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; ~~and~~

Sec. 3. 1 MRSA §405, sub-§6, ¶H is enacted to read:

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

See title page for effective date.

CHAPTER 181

H.P. 693 - L.D. 960

An Act to Allow the Bureau of Labor Standards to Assess Administrative Civil Money Penalties for Labor Law Violations

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §53 is enacted to read:

§53. Additional penalties

In addition to any penalties provided in chapter 7, subchapters I to IV, the director may assess a forfeiture against any employer, officer, agent or other person who violates any provision of chapter 7, subchapters I to IV for each violation of those subchapters. The forfeiture may not exceed \$1,000 or the amount provided in law or rule as a penalty for the specific violation, whichever is less. The Attorney General, upon complaint of the director, shall institute a civil action to recover the forfeiture. Any amount recovered must be deposited with the Treasurer of State. The director shall adopt rules to govern the administration of the civil money forfeiture provisions. The rules must include a right of appeal by the employer and a range of monetary assessments with consideration given to the size of the employer's business, the good faith of the employer, the gravity of the violation and the history of previous violations. The rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 2. 26 MRSA §1308, sub-§1-A is enacted to read:

1-A. Surveys. The director may require any person to provide information on the wages and benefits provided to that person's employees and such other information as is needed to determine the prevailing wage and benefits. The director may assess a forfeiture of up to \$50 against any person who fails to provide the information as requested.

Sec. 3. 26 MRSA §1312, sub-§1, as amended by PL 1997, c. 757, §10, is further amended to read:

1. Violation by contractor or subcontractor. Any Except as provided in section 1308, subsection 1-A, any contractor or subcontractor who willfully and knowingly violates sections 1304 to 1313 is subject to a forfeiture of not less than \$250.

See title page for effective date.

CHAPTER 182

H.P. 1051 - L.D. 1473

**An Act to Amend the Maine
Emergency Medical Services Act of
1982**

**Be it enacted by the People of the State of
Maine as follows:**

Sec. 1. 5 MRSA §948, sub-§1, ¶J, as amended by PL 1995, c. 560, Pt. C, §1 and affected by §4, is further amended to read:

J. Assistant Director, Maine Drug Enforcement Agency; ~~and~~

Sec. 2. 5 MRSA §948, sub-§1, ¶K, as enacted by PL 1995, c. 560, Pt. C, §2 and affected by §4, is amended to read:

K. Two majors, Bureau of State Police; ~~and~~

Sec. 3. 5 MRSA §948, sub-§1, ¶L is enacted to read:

L. Director, Maine Emergency Medical Services.

Sec. 4. 32 MRSA §83, sub-§3-A, as enacted by PL 1989, c. 857, §62, is amended to read:

3-A. Ambulance attendant. "Ambulance attendant" means a basic emergency medical services person who has completed the ~~minimum training specified in section 85, subsection 3,~~ Maine Emergency Medical Services course for ambulance attendants and has met the other conditions specified in rules under this chapter for licensure at this level.

Sec. 5. 32 MRSA §83, sub-§7, as amended by PL 1997, c. 644, §1, is further amended to read:

7. Basic emergency medical technician. "Basic emergency medical technician" means a basic emergency medical services person who has successfully completed the Maine Emergency Medical Services course for emergency medical ~~treatment~~ technicians and has met the other requirements for licensure at this level.

Sec. 6. 32 MRSA §83, sub-§§13-A and 16-B are enacted to read:

13-A. First responder. "First responder" means an emergency medical services person who has successfully completed the Maine Emergency Medical Services course for first responders and has met the other requirements for licensure at this level.

16-B. Medical Direction and Practices Board. "Medical Direction and Practices Board" means the subcommittee of the board consisting of each regional medical director, a representative of the Maine Chapter of the American College of Emergency Medicine Physicians and the statewide emergency medical services medical director. The Medical Direction and Practices Board is responsible for creation, adoption and maintenance of Maine Emergency Medical Services protocols.